

Application No.: 09/693770

Case No.: 55839US002

REMARKS

Claims 1-3 and 5-21 are pending in the application. The Examiner has indicated the allowability of claims 14, 15 and 21.

Claim Rejections Under 35 U.S.C. § 102(b)

The Examiner rejects claims 1-3, 5-8, 12, and 16-18 under 35 U.S.C. § 102(b) as anticipated by the disclosure of U.S. Pat. No. 4,888,225 to Sandvig (the '225 reference). The Examiner asserts that the '225 reference discloses in Figures 9A and 9B "a custom footbed comprising a substrate 54, having an upper surface with contours . . . , a depression . . . and a compressible wound spacer 52 . . . attached to the upper surface of the substrate (fig. 9D)."

As discussed in Applicants' Specification on page 6, line 29 to page line 2, this invention includes a resin-impregnated foam which results in a uniform layer thickness during compression and cure. In other words, the foam is compressible such that depressions may be created to relieve pressure and pain on the foot. On the other hand, the '225 reference discloses a resin-impregnated foam block 54 used as the substrate. However, the substrate does not disclose a uniform layer thickness. The '225 reference discloses a "rigid foot orthotic shell" that is pressed onto a resin-impregnated foam block 54. The foam is compressed to conform to the bottom contours of the orthotic 52 (as opposed to the foot), while providing a flat support surface on the bottom of block 54.

Accordingly, for at least the above reason, the Sandvig '225 reference fails to teach all elements of the claims and cannot anticipate the claims as amended.

Claim Rejections under 35 U.S.C. §103(a)

The Office Action rejected claims 9-11, 13, and 19-20 under 35 U.S.C. §103(a) as obvious over the '225 reference in view of U.S. Pat. No. 5,002,047 to Sandvig (the '047 reference). The Office Action recognizes that '225 fails to disclose a contact layer attached to the upper surface of the substrate, and relies on '047 for that disclosure. For the reasons given

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above, adding the contact layer of '047 does not cure the deficiencies of the '225 reference. Reconsideration and withdrawal of the §103(a) rejections based on the above references are requested.

Respectfully submitted,

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Date

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